



General Assembly

January Session, 2007

Amendment

LCO No. **9094**

HB0698909094HDO

Offered by:

REP. RYAN, 139th Dist.
REP. AMANN, 118th Dist.
REP. ALTOBELLO, 82nd Dist.
REP. HAMZY, 78th Dist.

REP. BOUKUS, 22nd Dist.
REP. NICASTRO, 79th Dist.
REP. BURNS, 77th Dist.

To: Subst. House Bill No. **6989**

File No. 643

Cal. No. 518

"AN ACT CONCERNING NONCOMPETE AGREEMENTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2007*) (a) No employer may
4 require any person employed in the classification 339032 of the
5 standard occupational classification system of the Bureau of Labor
6 Statistics of the United States Department of Labor to enter into an
7 agreement prohibiting such person from engaging in the same or a
8 similar job, at the same location at which the employer employs such
9 person, for another employer or as a self-employed person, unless the
10 employer proves that such person has obtained trade secrets, as
11 defined in subsection (d) of section 35-51 of the general statutes, of the
12 employer.

13 (b) (1) Any person who is aggrieved by a violation of this section

14 may bring a civil action in the superior court to recover damages and
15 for such injunctive and equitable relief as the court deems appropriate.

16 (2) The Labor Commissioner may request the Attorney General to
17 bring an action in the Superior Court for the judicial district of
18 Hartford for restitution on behalf of any person injured by any
19 violation of this section and for such injunctive or equitable relief as
20 the court deems appropriate.

21 (c) The provisions of this section shall apply to agreements entered
22 into, renewed or extended on or after October 1, 2007.

23 Sec. 2. (NEW) (*Effective July 1, 2007*) (a) As used in this section:

24 (1) "Associated broadcast entities" means entities that provide
25 reporting services to broadcast television or radio stations, including
26 without limitation, subcontractors that provide weather, sports, traffic
27 and other reports for broadcast or cablecast;

28 (2) "Broadcast employee" means any employee of a broadcast
29 industry employer, except those employees whose services primarily
30 include sales or management functions;

31 (3) "Broadcast industry employer" means the owner or operator of
32 one or more broadcast television or radio stations, including any
33 associated broadcast entity, but excluding cable stations or cable
34 networks;

35 (4) "Broadcast television or radio station" means an entity that is
36 owned or operated either by holding a Federal Communications
37 Commission television or radio license for the station, or by operating
38 a station through a local service, sales, marketing or outsourcing
39 agreement;

40 (5) "Cable network" means an entity that distributes programming
41 to two or more local cable systems;

42 (6) "Cable station" means an entity that produces or transmits

43 programming to one or more local cable systems; and

44 (7) "Local cable system" means a cable system, as defined in 47 USC
45 522, as from time to time amended, operating in the state.

46 (b) No broadcast industry employer employment contract for the
47 services of a broadcast employee may contain a provision requiring
48 that such broadcast employee:

49 (1) Refrain from obtaining employment in a specified geographical
50 area for a specified period of time after termination of employment
51 with that broadcast industry employer;

52 (2) Disclose the terms or conditions of an offer of employment, or
53 the existence of any such offer, from any other broadcast industry
54 employer following the expiration of the term of the employment
55 contract; or

56 (3) Agree to enter into a subsequent employment contract with the
57 broadcast industry employer, or extend or renew the existing
58 employment contract, upon the same terms and conditions offered by
59 a prospective employer.

60 (c) Any person who is aggrieved by a violation of this section may
61 bring a civil action in the Superior Court to recover damages, together
62 with court costs and reasonable attorney's fees.

63 (d) The provisions of this section shall apply to employment
64 contracts entered into, renewed or extended on or after July 1, 2007."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>July 1, 2007</i>	New section